

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00241-RBW

EQUITY FORWARD v. U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES

Assigned to: Judge Reggie B. Walton

Demand: \$0

Cause: 05:552 Freedom of Information Act

Date Filed: 02/01/2018

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

EQUITY FORWARD

represented by **Cerissa Cafasso**
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5244
Fax: (202) 871-6523
Email: cerissa.cafasso@americanoversight.org
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

represented by **Benton Gregory Peterson**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2534
Fax: (202) 252-2599
Email: benton.peterson@usdoj.gov
TERMINATED: 03/05/2019
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Derek S. Hammond
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2511
Fax: (202) 252-2599
Email: derek.hammond@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/01/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Filing fee \$ 400 receipt number 0090-5314437) filed by EQUITY FORWARD. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Cafasso, Cerissa) (Entered: 02/01/2018)
02/01/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by EQUITY FORWARD (Cafasso, Cerissa) (Entered: 02/01/2018)
02/01/2018		Case Assigned to Judge Reggie B. Walton. (zsth) (Entered: 02/02/2018)
02/02/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u>

		Notice and Consent)(zsth) (Entered: 02/02/2018)
02/08/2018	<u>4</u>	GENERAL ORDER FOR CIVIL CASES BEFORE THE HONORABLE REGGIE B. WALTON. Signed by Judge Reggie B. Walton on February 8, 2018. (lcrbw1) (Entered: 02/08/2018)
02/22/2018	<u>5</u>	NOTICE of Appearance by Benton Gregory Peterson on behalf of U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Peterson, Benton) (Entered: 02/22/2018)
02/23/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/9/2018. (Answer due for ALL FEDERAL DEFENDANTS by 3/11/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 2/8/2018, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/9/2018. (Attachments: # <u>1</u> Exhibit A)(Cafasso, Cerissa) (Entered: 02/23/2018)
03/12/2018	<u>7</u>	ANSWER to <u>1</u> Complaint by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Peterson, Benton) Modified to add link on 3/13/2018 (znmw). (Entered: 03/12/2018)
03/12/2018		MINUTE ORDER. To ensure the expeditious resolution of this action, and because this qualifies as an exempted case under Local Civil Rule 16.3(b), it is hereby ORDERED that the parties shall file a joint proposed schedule governing further proceedings on or before April 2, 2018. Signed by Judge Reggie B. Walton on March 12, 2018. (lcrbw1) (Entered: 03/12/2018)
03/12/2018		Set/Reset Deadlines: Joint proposed schedule governing further proceedings due by 4/12/2018. (hs) (Entered: 03/12/2018)
04/02/2018	<u>8</u>	Joint STATUS REPORT by EQUITY FORWARD. (Cafasso, Cerissa) (Entered: 04/02/2018)
04/05/2018		MINUTE ORDER. In light of the parties' <u>8</u> Joint Status Report, it is hereby ORDERED that the parties shall file an additional joint status report on or before April 12, 2018, regarding how the parties wish to proceed in this case. Signed by Judge Reggie B. Walton on April 5, 2018. (lcrbw1) (Entered: 04/05/2018)
04/05/2018		Set/Reset Deadlines: Joint Status Report due by 4/12/2018 (hs) (Entered: 04/05/2018)
04/12/2018	<u>9</u>	Joint STATUS REPORT by U.S. Department of Health and Human Services and by EQUITY FORWARD. (Cafasso, Cerissa) (Entered: 04/12/2018)
04/17/2018		MINUTE ORDER. In light of the parties' <u>9</u> Joint Status Report, it is hereby ORDERED that the parties shall meet and confer on or before April 30, 2018, to discuss the results of the Office of the Secretary search and any information the Administration for Children and Families has provided regarding the source of the large file sizes and other issues that may help focus the scope of the request. It is further ORDERED that the parties shall file an additional joint status report on or before May 10, 2018, regarding how the parties wish to proceed in this case. Signed by Judge Reggie B. Walton on April 17, 2018. (lcrbw1) (Entered: 04/17/2018)
04/17/2018		Set/Reset Deadlines: Attorney Meet and Confer Conference due by 4/30/2018. Status Report due by 5/10/2018 (hs) (Entered: 04/17/2018)
05/10/2018	<u>10</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Peterson, Benton) (Entered: 05/10/2018)
05/14/2018		MINUTE ORDER. Upon consideration of the parties' <u>10</u> Joint Status Report, it is hereby ORDERED that the parties shall appear for a status conference on May 22, 2018, at 9:30 a.m. It is further ORDERED that agency counsel shall attend the hearing. Signed by Judge Reggie B. Walton on May 14, 2018. (lcrbw1) (Entered: 05/14/2018)
05/14/2018		Set/Reset Hearings: Status Conference set for 5/22/2018 at 09:30 AM in Courtroom 16 before Judge Reggie B. Walton. (hs) (Entered: 05/14/2018)

05/18/2018		MINUTE ORDER. Due to a change in the Court's calendar, it is hereby ORDERED that the status conference currently scheduled for May 22, 2018, is CONTINUED to May 23, 2018, at 9:30 a.m. Signed by Judge Reggie B. Walton on May 18, 2018. (lcrbw1) (Entered: 05/18/2018)
05/21/2018		Set/Reset Hearings: Status Conference reset for 5/23/2018 at 09:30 AM in Courtroom 16 before Judge Reggie B. Walton. (hs) (Entered: 05/21/2018)
05/23/2018	<u>11</u>	ORDER. In accordance with the Court's oral rulings issued at the status conference held on this same date, it is hereby ORDERED that the defendant shall make an aggressive effort to work with the plaintiff to assess what actions need to be taken with regard to the three searches in this matter in order to submit a concrete production proposal regarding the FOIA request at issue in this case. It is further ORDERED that the parties shall appear for a status conference on July 31, 2018, at 9:30 a.m., in order to propose a production schedule to the Court. Signed by Judge Reggie B. Walton on May 23, 2018. (lcrbw1) (Entered: 05/23/2018)
05/23/2018		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference held on 5/23/2018. Parties advise the court of the status of this action. Next status conference set for 7/31/2018 at 9:30 AM in Courtroom 16 before Judge Reggie B. Walton. (Court Reporter: Elizabeth Saint Loth.) (tj) (Entered: 05/23/2018)
07/31/2018	<u>12</u>	ORDER. In accordance with the Court's oral rulings issued at the status conference held on this same date, it is hereby ORDERED that the defendant shall continue to process 1,500 pages per month and produce to the plaintiff any responsive records on a rolling basis. It is further ORDERED that the parties shall appear for a status conference on September 27, 2018, at 2:00 p.m. Signed by Judge Reggie B. Walton on July 31, 2018. (lcrbw1) (Entered: 07/31/2018)
07/31/2018		Minute Entry; for proceedings held before Judge Reggie B. Walton: Status Conference held on 7/31/2018. Status Conference set for 9/27/2018 at 02:00 PM in Courtroom 16 before Judge Reggie B. Walton. (Court Reporter Cathryn Jones) (hs) (Entered: 07/31/2018)
09/27/2018		Minute Entry; for proceedings held before Judge Reggie B. Walton: Status Conference held on 9/27/2018. (Court Reporter Bryan Wayne) (hs) (Entered: 09/27/2018)
09/28/2018		MINUTE ORDER. In accordance with the Court's oral ruling issued at the status conference held on September 27, 2018, it is hereby ORDERED that the parties shall file a joint status report on or before November 15, 2018. Signed by Judge Reggie B. Walton on September 28, 2018. (lcrbw1) (Entered: 09/28/2018)
11/15/2018	<u>13</u>	Joint STATUS REPORT by EQUITY FORWARD. (Cafasso, Cerissa) (Entered: 11/15/2018)
11/16/2018		MINUTE ORDER. Upon consideration of the parties' <u>13</u> Joint Status Report, it is hereby ORDERED that the parties shall file a joint status report on or before January 17, 2019. Signed by Judge Reggie B. Walton on November 16, 2018. (lcrbw1) (Entered: 11/16/2018)
11/16/2018		Set/Reset Deadlines: Joint Status Report due by 1/17/2019 (hs) (Entered: 11/16/2018)
11/19/2018		Set/Reset Deadlines: Joint Status Report due by 1/17/2019 (hs) (Entered: 11/19/2018)
01/15/2019	<u>14</u>	MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/15/2019)
01/16/2019		MINUTE ORDER. Upon consideration of the <u>14</u> Motion for a Stay and Extension of Time in Light of Lapse of Appropriations, and for good cause shown, it is hereby ORDERED that the motion is GRANTED IN PART AND DENIED IN PART. The motion is GRANTED to the extent that the government seeks to vacate the impending deadlines in this case. The motion is DENIED in all other respects. It is further ORDERED that the impending deadlines in this case are VACATED pending further Order of the Court. It is further ORDERED that, on or before January 28, 2019, the parties shall file a joint status report regarding how this case shall proceed. Signed by Judge Reggie B. Walton on January 16, 2019. (lcrbw1) (Entered: 01/16/2019)

01/17/2019		Set/Reset Deadlines: Joint Status Report due by 1/28/2019 (hs) (Entered: 01/17/2019)
01/22/2019	<u>15</u>	Second MOTION for Extension of Time to File <i>Joint Status Report in Light of Lapse of Appropriations</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/22/2019)
01/23/2019		MINUTE ORDER. In light of the continued lapse in appropriations, it is hereby ORDERED that the deadline for filing a joint status report on January 28, 2019, previously imposed by this Court is VACATED. It is further ORDERED that once appropriations have been restored, the parties shall forthwith file a joint status report proposing new deadlines in this case. Signed by Judge Reggie B. Walton on January 23, 2019. (lcrbw1) (Entered: 01/23/2019)
01/28/2019	<u>16</u>	Joint STATUS REPORT by EQUITY FORWARD. (Attachments: # <u>1</u> Text of Proposed Order)(Cafasso, Cerissa) (Entered: 01/28/2019)
02/01/2019		MINUTE ORDER. Upon consideration of the parties' <u>16</u> Joint Status Report, it is hereby ORDERED that the parties shall file a joint status report on or before February 6, 2019. Signed by Judge Reggie B. Walton on February 1, 2019. (lcrbw1) (Entered: 02/01/2019)
02/01/2019		Set/Reset Deadlines: Joint Status Report due by 2/6/2019 (hs) (Entered: 02/01/2019)
02/06/2019	<u>17</u>	Joint STATUS REPORT by EQUITY FORWARD. (Cafasso, Cerissa) (Entered: 02/06/2019)
02/11/2019		MINUTE ORDER. Upon consideration of the parties' <u>17</u> Joint Status Report, it is hereby ORDERED that the parties shall file an additional joint status report on or before April 8, 2019. Signed by Judge Reggie B. Walton on February 11, 2019. (lcrbw1) (Entered: 02/11/2019)
02/12/2019		Set/Reset Deadlines: Joint Status Report due by 4/8/2019 (hs) (Entered: 02/12/2019)
03/05/2019	<u>18</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Derek S. Hammond on behalf of U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Substituting for attorney Benton G. Peterson (Hammond, Derek) (Entered: 03/05/2019)